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EXAMINER

YOON, TAE H

ART UNIT

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1796

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DELIVERY MODE

03/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

Amended claim 1 reciting “at least one of a layer of a metallic bearing material thereon” which was an optional layer with a combined limitation of claims 55 and 61, and new claim 72 with a limitation of claims 55 and new claim 73 with a combined limitation of claims 55 and 61 reciting “at least one of a layer of a metallic bearing material thereon” raise new issues that would require further consideration and search, and thus the amendment will not be entered.

Applicant’s argument based on the instant amendment has no probative value since it will not be entered. Thus, the examiner’s response with respect to the instant argument would not be needed at this time and the rejections are maintained for reason of record with following response.

Applicant requests that the examiner should provide an affidavit for any instance in which the examiner took Official Notice in the Office Action. But, such blanket statement without pointing out a particular instance has little probative value and the examiner does not see any part of the rejection in which he took Official Notice.

The examiner adds following response with respect to the primary reference Berlinghof, Jr. (US 3,342,667) even though they would be self-explanatory since applicant asserts patentability of dependent claims (without any particular argument).

1. Polyimide/amide resin of claims 41 and 42 is optional when combined with claim 1 with a modified epoxy resin.

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2. For claims 43 and 44, the examiner pointed out mixed metal powders in examples. Example 1 shows spherical copper and bronze. A mixture of copper, bronze and silver powders is seen in the middle of col. 6.

3. For claim 49, example 1 shows a diameter of 0.0001' to 0.003".

3. A mixture of copper, bronze and silver powders in the middle of col. 6 would meet claims 51-52 since the instant comprising still permits other metal(s) and choosing copper and silver powders would be obvious.

4. The examiner pointed out PTFE for claims 53 and 54.

5. Claims 56, 57 and 61 are met by 4.9 Gm/cc of disulfides in the middle of col. 6 and by claim 1.

6. Silica of claims 58-60 is optional when combined with claim 1 with the addition being a ceramic powder.

7. For claim 61, see claim 1.

8. Metallic in claim 66 is optional.

9. For claims 68 and 70 would be met by the claim 5 of Berlinghof, Jr.

10. Spraying of claim 71, an invention in a product-by-process is a product, not a process. See **In re Brown**, 459 F2d 531, 173 USPQ 685 (CCPA 1972) and **In re Thorpe**, 777 F2d 695, 697, 227 USPQ 964 (Fed. Cir. 1985).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tae H Yoon/
Primary Examiner
Art Unit 1796

THY/March 17, 2010